

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

BARBARA ANN LAND, Individually,  
and as Personal Representative of the  
Estate of Blane S. Land, Deceased,

Plaintiff,

v.

Case No. 3:21-cv-389-BJD-JRK

TIMOTHY JAMES and SHERIFF  
MIKE WILLIAMS, in his official  
capacity as Sheriff of the Jacksonville  
Sheriff's Office and the Consolidated  
City of Jacksonville, Florida,

Defendants.

---

**ORDER**

This cause is before the Court on Plaintiff's Renewed Motion for Leave to File Third Amended Complaint and Response in Opposition to Defendants' Motions to Dismiss (Doc. No. 31; "Motion"), filed August 6, 2021. In the Motion, Plaintiff seeks leave to file her third amended complaint "on the grounds that justice requires the proposed amendments in lieu of pleading deficiencies alleged by Defendants in their" pending dispositive motions. Motion at 1. Plaintiff represents that Defendants oppose the relief sought. *Id.* at 6. To date, Defendants have not filed responses to the Motion and the time to do so has passed. *See* Order (Doc. No. 27), entered July 27, 2021 (stating, "Defendants, if

they oppose the relief sought, shall have up to and including August 20, 2021 to file their responses.”); see also Local Rule 3.01(c), United States District Court, Middle District of Florida. The Motion is therefore deemed unopposed.

Upon due consideration, the Motion is due to be granted as amendment is appropriate pursuant to Rule 15(a)(2), Federal Rules of Civil Procedure. See Fed. R. Civ. P. 15(a)(2). Based on the foregoing, Defendants’ pending motions to dismiss are due to be denied as moot. Accordingly, it is

**ORDERED:**

1. Plaintiff’s Renewed Motion for Leave to File Third Amended Complaint and Response in Opposition to Defendants’ Motions to Dismiss (Doc. No. 31) is **GRANTED**.

2. The Clerk of the Court shall file Plaintiff’s Third Amended Complaint (Doc. No. 31-1) as of the date of this Order.

3. Defendant City’s Motion to Dismiss Second Amended Complaint with Prejudice (Doc. No. 13) and Defendant Timothy James’ Motion to Dismiss with Prejudice with Incorporated Memorandum of Law (Doc. No. 14) are **DENIED as moot**.

4. Defendants shall respond to Plaintiff’s Third Amended Complaint within the time permitted by the Federal Rules of Civil Procedure.

5. The stay of discovery imposed by the July 30, 2021 Order (Doc. No. 30) remains in place pending filing of Defendants' responses to the Third Amended Complaint. If any party seeks to lift the stay after those responses are filed, the party seeking to lift the stay can file an appropriate motion after conferring in good faith.

**DONE AND ORDERED** in Jacksonville, Florida on August 23, 2021.

  
JAMES R. KLINDT  
United States Magistrate Judge

keh  
Copies:  
Counsel of Record